

STATE OF MARYLAND



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November 20, 2001

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DOCKET FILE COPY ORIGINAL

Ms. Magalie Roman Salas
Secretary
Federal Communications Commission
Room TW-B204
445 12th Street, S.W.
Washington, D.C. 20554

Re: Common Carrier Docket Nos. 96-262, 94-1

Dear Ms. Salas:

Enclosed please find the National Association of State Utility Consumer Advocates Request For A Limited Modification Of Interim Protective Order in the above-referenced docket. I have enclosed four (4) copies pursuant to the Commission's Filing Procedures.

I have also enclosed an additional copy for receipt-stamp which I ask that you return to me in the enclosed postage-paid envelope.

Should you have any questions regarding this matter, please do not hesitate to contact me.

Sincerely,

Michael J. Travieso
Maryland People's Counsel
Chair, NASUCA Telecommunications
Committee as Counsel for NASUCA

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MJT:sd

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**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION**

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IN THE MATTER OF COST REVIEW *
PROCEEDINGS FOR RESIDENTIAL * Common Carrier
AND SINGLE LINE BUSINESS * Docket Nos. 96-262, 94-1
SUBSCRIBER LINE CHARGE (CALLs) *

**REQUEST OF THE NATIONAL ASSOCIATION OF STATE UTILITY
CONSUMER ADVOCATES FOR A LIMITED MODIFICATION OF INTERIM
PROTECTIVE ORDER (IPO)**

The National Association of State Utility Consumer Advocates (NASUCA) requests that the Common Carrier Bureau modify its Interim Protective Order entered on April 7, 2000 in order to permit NASUCA to obtain and use Confidential Line Court Information at the wire center level.

I. BACKGROUND

On April 7, 2000, the Common Carrier Bureau issued in Common Carrier Docket No. 96-45 an Order designed to protect line count data at the wire center level which was submitted by certain telecommunication companies in the Commission's proceedings in its Universal Service docket. Certain telecommunication carriers requested confidential treatment of this data pursuant to the Commission's rules.¹ The line count data was filed and used as part of the development of a forward-looking economic cost model to determine Universal Service support.

The Interim Protective Order established a method for interested parties to obtain the data and placed a limitation on its use. The Order states in Paragraph 11:

¹ The carriers requesting confidential treatment were Anchorage Telephone Utility, Bell Atlantic and GTE (now Verizon), Bell South, SBC (including Ameritech), Sprint and US West (now part of Quest).

Reviewing Parties shall use the Confidential Line Count Information only for the purpose of reviewing the underlying information and verifying the results of the forward-looking cost mechanism. Confidential Line Count Information shall not be used by any person granted access under this Interim Protective Order for any other purpose...and should not be used or disclosed except in accordance with this Interim Protective Order.

II. THE REQUEST

NASUCA has requested access to Confidential Line Count Information for use in the CALLs proceeding. Specifically, NASUCA has requested wire center Confidential Line Count Information for the fourth quarter for 1999 for all non-rural carriers; the work files generated by the FCC Synthesis model for the model run used to provide non-rural forward-looking Universal Service support in the calendar year 2001; and the results files generated by the FCC Synthesis model for the model run used to provide non-rural forward-looking Universal Service support in the calendar year 2001. This information was requested on October 3, 2001 in a letter to Ms. Irene Flanery of USAC, a copy of which is attached.

NASUCA was a party to the CALLs proceeding in which an Order was released on May 31, 2000 which raised the cap on the federal subscriber line charge from \$3.50 to \$6.50. Increases above \$5.00 were conditioned on a cost proceeding to determine loop costs for the price capped ILECs. By notice issued September 17, 2001, the FCC has asked the price cap ILECs to file the data described in Paragraph 83 of the CALLs Order, “forward-looking cost information associated with the provision of retail voice grade access to the public switched telephone network.”

NASUCA has retained consultants in order to do its own cost study of loop costs for the states within the price cap ILECs' service territories. NASUCA intends to use the Confidential Line Count Information in order to produce loop cost studies and in order to evaluate the data and the cost studies submitted by the ILECs in the CALLs proceeding.

Because these uses are arguably outside the use limitations contained in the Interim Protective Order, NASUCA requests a modification of that Order to permit NASUCA to obtain and use the Confidential Line Count Information in the CALLs proceeding in the manner described in this Request.

NASUCA commits to comply fully with all of the provisions of the Interim Protective Order regarding obtaining and disclosing the Confidential Line Count Information, except the manner in which NASUCA intends to use the data. In addition, NASUCA, in any filing, will aggregate the data to the UNE Zone level or above. No wire center data will be filed by NASUCA in the CALLs proceeding. Finally, NASUCA will request confidential treatment of its filings which utilize Confidential Line Count Information obtained as a result of the modification of the Interim Protective Order.

NASUCA is seeking only a limited modification of the Interim Protective Order. The requested Confidential Line Count Information will only be filed in this FCC CALLs case. NASUCA will abide by all of the other conditions of the Interim Protective Order, and will not file wire center data and will request confidential treatment for the Confidential Line Count Information which it does file. For these reasons, NASUCA requests that the Interim Protective Order be modified.

Continued for signature:

Respectfully submitted,

A handwritten signature in cursive script that reads "Michael J. Travieso". The signature is written in black ink and is positioned above the printed name.

Michael J. Travieso
Maryland People's Counsel
Chair, NASUCA Telecommunications
Committee as Counsel for NASUCA

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October 3, 2001

Via Facsimile and First-Class Mail

Ms. Irene Flannery
USAC
Attn: WC CLCI Data Request
2120 L Street, N.W., Suite 600
Washington, D.C. 20037

**Re: Request For Access To Wire Center
Confidential Line County Information**

Dear Ms. Flannery:

This letter is to request that the National Association of State Utility Consumer Advocates (NASUCA) as the reviewing party, Michael J. Travieso, counsel to the NASUCA, David Gabel and Gabel Communications, Inc. and Robert Loube and Rhoads & Simon, LLC, as authorized representatives requested by counsel to furnish technical and other expert advice and to prepare material for the express purpose of formulating filings in the CALLS proceeding, CC Docket Nos. 96-262, 94-1, 99-249 and 96-45, be provided access to and copies of the information on Attachment I.

By separate letter, I have also described how this data and information will be used. Once this use has been approved and counsel to NASUCA has been notified, NASUCA will notify the appropriate submitting parties of this request and certify to USAC that it has done so. This letter is being sent by fax and regular mail. An original completed declaration for Michael J. Travieso is enclosed with this letter. Original completed declarations signed by Mr. Loube and Mr. Gabel will be forwarded.

Sincerely,

Handwritten signature of Michael J. Travieso in cursive script.
Michael J. Travieso
People's Counsel

MJT:sd

Attachments

cc: Dr. David Gabel
Mr. Robert Loube

We request the following information:

- 1. Wire center confidential line count information for the fourth quarter of 1999 for all non-rural carriers.**
- 2. The workfiles generated by the FCC Synthesis model for the model run used to provide non-rural forward-looking universal service support in the calendar year 2001. There is one workfile for each non-rural carrier. These workfiles contain the wire center confidential line count information for the fourth quarter 1999.**
- 3. The results files generated by the FCC Synthesis model for the model run used to provide non-rural forward-looking universal service support in the calendar year 2001. There is one results file for each non-rural carrier. The results files contain the wire center confidential line count information for the fourth quarter 1999.**

We are requesting copies of this information. Please provide the information in electronic format on a CD. We can provide a CD on request if that is necessary. Thank you for your aid in this matter.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 20th day of November, 2001, I caused to be served a true and correct copy of the foregoing Request of the National Association of State Utility Consumer Advocates for a Limited Modification of Interim Protective Order (IPO) by mailing true paper and electronic copies thereof by overnight delivery to the following persons at the addresses listed below:

Michael E. Glover
Edward Shakin
Verizon
1320 North Court House Road
8th Floor
Arlington, Virginia 22201

Paul Mancini
Roger K. Toppins
Paul E. Dorin
SBC Communications, Inc.
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Washington, D.C. 20005

Leon Kestenbaum
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